

REMARKS

Reconsideration of this RCE, as amended, is respectfully requested.

Initially, Applicants would like to thank the Examiner for the indication in the Final Rejection that claims 24-26 are allowable. Applicants respectfully submit that claims 30-32 were added in response to the Official Action issued on November 5, 2004, however, the Examiner disregards such new claims in the Final Rejection. Applicants respectfully request consideration of claims 30-32.

In the Final Rejection, the Examiner rejects claims 16-18 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,917,283 to Sumners (hereinafter “Sumners”). Furthermore, the Examiner rejects claims 16 and 19-21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,893,119 to Nasatka (hereinafter “Nasatka”). Lastly, the Examiner rejects claims 16, 22, and 23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,419,537 to Thompson (hereinafter “Thompson”).

In the Final Rejection, the Examiner argues that Sumners and Nasatka teach a single panel that is deployable above a surface and that it would have been obvious to have positioned two or more panels as claimed to suit a particular application. The Examiner further argues that even if the panels are spaced many miles apart along the same surface, the claim limitations would be met.

Applicants respectfully disagree.

Firstly, Sumners and Nasatka both teach a barrier or barricade for stopping the progress of a vehicle (e.g., see Sumners at column 3, lines 44 and 45 and column 4, lines 70-74 and e.g., Nasatka at the Abstract and column 1, lines 6-9). Therefore, deployment of more than one panel is unnecessary where the panel is only used as a barrier. Thus, those

skilled in the art would not be suggested or motivated to provide more than one of the panels of Sumners and Nasatka in series as is recited in claim 16.

Secondly, although Applicants disagree with the Examiner's statement regarding placing the panels miles apart (because such a spacing cannot be said to be "in series" as recited in claim 16 and would not provide any functional benefit to "slowing a vehicle") in order to advance prosecution, independent claim 16 has been amended to clarify that the two or more panels are "spaced less than a length of the vehicle apart."

The amendment to claim 16 is fully supported in the original disclosure, particularly at Figure 2b and the accompanying text of the specification. Thus, no new matter has been entered into the disclosure by way of the amendment to claim 16.

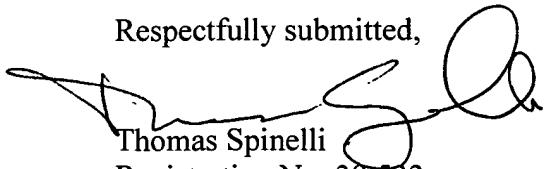
With regard to Sumners and Nasatka, the same do not teach or suggest two or more panels disposed in series along the direction of the vehicle travel and spaced less than a length of the vehicle apart.

With regard to Thompson, as discussed in the previous response, the same does not teach or suggest two or more panels that are independently deployable from the surface. The Examiner failed to respond to such argument in the Final rejection.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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